

REMARKS

Claims 1-8 and 22-33 are pending. Claims 1 and 22 are amended. Claims 9-21 are canceled. Claims 23-33 are added. Applicants respectfully request reexamination and reconsideration of all pending claims.

Claims Rejected Under 35 U.S.C. § 102(b) and § 103(a)

Claims 1-8, 11-18 and 20-22 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Truax et al. (U.S. Patent No. 5,242,304), and under 35 U.S.C. § 103(a) as allegedly being unpatentable over Truax et al. in view of various other references. Applicants respectfully traverse these rejections.

As amended, independent claim 1 is directed to a method for making a custom-fit palatal arch expander for a patient. The method involves acquiring at least one digital scan representing at least a portion of upper teeth and a palate of the patient, providing an electronically viewable treatment plan by an appliance provider based on the at least one digital scan, the treatment plan including the use of a custom fit palatal arch expander, making the electronically viewable treatment plan available to a treating professional for review, fabricating a first portion of the custom-fit palatal arch expander, fabricating a second portion of the arch expander, and coupling an expansion member between the first and second portions. The first portion of the expander has a plurality of cavities for receiving posterior teeth on one side of the palate and a palatal portion extending toward a centerline of the palate. Similarly, the second portion of the expander has a plurality of cavities for receiving posterior teeth on the opposite side of the palate and a palatal portion extending toward a centerline of the palate. Each of the cavities of the first and second portions is specifically configured to fit over one of the posterior teeth of the patient, based on the shapes of the posterior teeth as represented in the digital scan(s). Independent claim 22, directed to a method for expanding a palatal arch of a patient, includes similar limitations. Support for the amendments to independent claims 1 and 22 can be found in the original application as filed, for example on page 9, line 11 through page 11, line 6.

The present invention, as defined by independent claims 1 and 22, is not disclosed or suggested by Truax et al., either taken alone or in combination with the other references cited.

Furthermore, new claims 23-33 depending from claims 1 and 22 have been added to further distinguish the present invention from the cited art.


CONCLUSION

In view of the foregoing, Applicants believe that all pending claims are in condition for allowance and respectfully request a formal Notice of Allowance at an early date. If for any reason the Examiner believes that a telephone conference would expedite prosecution of the subject application, the Examiner is invited to telephone the undersigned at 408-789-1522.

Please charge any required fees to Deposit Account No.: 50-2638.

Respectfully submitted,

Date: October 18, 2005


Signed by Douglas C. Limbach,
Reg. No. 35,249
Greenberg Traurig, LLP

for Scott M. Smith, MD, JD,
Reg. No. 48,268
Align Technology, Inc.

ALIGN TECHNOLOGY, INC.
881 Martin Avenue
Santa Clara, CA 95050
Tel: (408) 470-1243
Fax: (408) 470-1024

GREENBERG TRAURIG, LLP
CUSTOMER NUMBER 56188
1900 University Avenue, Fifth Floor
East Palo Alto, CA 94303
Phone: (650) 328-8500
Fax: (650) 328-8508
E-Mail: limbachd@gtlaw.com